

ENTERED

November 12, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:15-CR-00657-1
	§	
ADRIAN ALDAN-HERNANDEZ	§	

**ORDER ADOPTING FINDINGS AND RECOMMENDATION ON PLEA OF
GUILTY AND ORDER ENTERING A FINDING OF GUILTY**

The defendant was charged in Count Two (2) of the indictment with committing the offense of transporting an undocumented alien in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(ii). Pursuant to the authority in Title 28, United States Code, Section 636(b)(3) the matter was referred to United States Magistrate Judge Jason B. Libby to conduct a guilty plea proceeding. All parties waived their right to appear before undersigned and consented to have a Magistrate Judge conduct a guilty plea proceeding pursuant to FED. R. CRIM. P. 11.

The guilty plea proceeding was conducted on September 21, 2015, and the United States Magistrate Judge filed his findings and recommendation on plea of guilty on September 21, 2014 (D.E. 18). The Magistrate Judge recommends that this Court (1) adopt his findings that the guilty plea was knowingly and voluntarily entered with full understanding of the consequences and that the plea was supported by an adequate basis in fact; (2) accept the defendant's plea of guilty; and (3) enter a finding that the defendant is guilty as charged in Count Two (2) of the Indictment.

More than fourteen days have passed, and no party has filed an objection to the Magistrate Judge's findings and recommendation. The Court regards such omission as the parties' agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to the Magistrate Judge's findings and recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record to accept the Magistrate Judge's recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The court finds no error.

Accordingly, the findings and recommendation of the Magistrate Judge are adopted. The Court accepts the defendant's plea of guilty and finds that the defendant is guilty as charged in Count Two (2) of the indictment. The Court specifically finds that on or about July 21, 2015, within the Corpus Christi Division of the Southern District of Texas, the defendant, Adrian Aldan-Hernandez, did knowingly and in reckless disregard of the fact that Clemente Valdez-Sandoval was an alien who had come in to, entered, and remained in the United States in violation of law, transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law by means of a motor vehicle, in violation of Title 8, United State Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(ii), as charged in Count Two (2) of the indictment.

Signed this 12th day of November, 2015.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

HILDA G. TAGLE
SENIOR U.S. DISTRICT JUDGE